

The Honorable J. Richard Creatura

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT LEE KNOX,

Defendant.

CASE NO. MJ15-5120

COMPLAINT for VIOLATION
Title 18, United States Code, Section 2250

BEFORE the Honorable J. Richard Creatura, United States Magistrate Judge,
United States Courthouse, Tacoma, Washington.

COUNT ONE

(Failure to Register or Update Sex Offender Registration)

Beginning on a date unknown but sometime before February 23, 2015, and
continuing until June 7, 2015, in Clark County, within the Western District of
Washington, and elsewhere, the defendant, ROBERT LEE KNOX, an individual required
to register and update sexual offender registration pursuant to the Sex Offender
Registration and Notification Act and who had traveled in interstate commerce, did
knowingly fail to register and update his sexual offender registration.

All in violation of Title 18, United States Code, Section 2250.

COMPLAINT/KNOX - 1

UNITED STATES ATTORNEY
700 STEWART ST., SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

000001

1 The undersigned complainant, Leland Rakoz, being duly sworn, states:

2 1. I am a Deputy United States Marshal assigned to the Vancouver,
3 Washington, office of the United States Marshals Service. I have been employed by the
4 United States Marshals Service for over 23 years. I graduated from the United States
5 Marshals Service Academy and the Federal Law Enforcement Training Center for
6 Criminal Investigators. One of my responsibilities is to investigate crimes involving
7 individuals who are convicted sex offenders who have failed to register as required by the
8 Sex Offender Registration and Notification Act ("SORNA") (codified at Title 42, United
9 States Code, Section 16901, *et seq.*), enacted on July 27, 2006, as part of the Adam
10 Walsh Child Protection Act of 2006.

11 2. This affidavit is made in support of a criminal complaint charging the
12 defendant, ROBERT LEE KNOX, with failure to register and update his sex offender
13 registration, in violation of Title 18 United States Code, Section 2250. The information
14 set forth below is based on my personal observations, police reports, court documents,
15 and information provided to me by other law enforcement officers and witnesses.

16 3. Because this Affidavit is submitted for the limited purpose of establishing
17 probable cause, it does not set forth each and every fact that I or others have learned
18 during the course of this investigation. I have set forth only the facts that I believe are
19 relevant to the determination of probable cause to believe that KNOX has committed a
20 violation of Title 18, United States Code, Section 2250.

21 I. DEFENDANT'S SEX OFFENDER STATUS

22 4. On or about May 2, 1995, ROBERT LEE KNOX was charged by
23 Indictment with Sodomy in the First Degree, in violation of Oregon Revised Statute
24 163.405, and three counts of Sex Abuse in the First Degree, in violation of Oregon
25 Revised Statute 163.427. The Indictment alleged that on or between September 1992 and
26 October 1993, KNOX unlawfully and knowingly caused a child under the age of 12 to
27 engage in deviate sexual intercourse with him, unlawfully and knowingly subjected the
28 same person under 14 to sexual contact by touching her buttocks, and unlawfully and

COMPLAINT/KNOX - 2

UNITED STATES ATTORNEY
700 STEWART ST., SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 knowingly subjected a second person under 14 to sexual contact on separate occasions by
2 touching her breasts and vaginal area. At the time the offenses occurred, KNOX was
3 living with the victims, who were no older than 5 and 10 years old at the time, and their
4 mother.

5 5. On or about October 8, 1999, KNOX pleaded no contest to two counts of
6 Sex Abuse in the First Degree in violation of Oregon Revised Statute 163.427. On or
7 about November 3, 1999, KNOX was sentenced to the custody of the Department of
8 Corrections for a period of 34 months on each count. As a result of this conviction,
9 KNOX is required to register as a sex offender under Federal law.

10 6. The SORNA requires that all convicted "sex offender[s]" must "register,
11 and keep the registration current, in each jurisdiction where the offender resides, where
12 the offender is an employee, and where the offender is a student." 42 U.S.C. § 16913(a).
13 A sex offender keeps their registration current by, not later than three business days after
14 each change of name, residence, employment, or student status, appearing in person in at
15 least one jurisdiction and informing that jurisdiction of all changes in the information
16 required for that offender in the sex offender registry. 42 U.S.C. § 16913(c). The term
17 "sex offender" is defined to mean an individual who has been convicted of a "sex
18 offense." 42 U.S.C. § 16911(1). The statute defines a "sex offense" to include a
19 "criminal offense that has an element involving a sexual act or sexual contact with
20 another," including an attempt to do so. *Id.* § 16911(5)(A)(i), (v).

21 7. The offense for which KNOX was convicted, Sex Abuse in the First
22 Degree, has an element that involves sexual contact with another. Accordingly, KNOX
23 is a "sex offender" under SORNA, and thus is required to register and keep his
24 registration current under SORNA.

25 II. DEFENDANT'S KNOWLEDGE

26 8. I have reviewed documents provided to me by the Linn County Circuit
27 Court, the Jackson County Circuit Court, the Oregon State Police, the Campbell County
28

1 Sheriff's Office, and the Camas Police Department that show KNOX knew of his
2 requirements to register as a sex offender and to update his registration.

3 9. On November 3, 1999, KNOX signed a Court Notice of Sex Offender
4 Registration Obligation's form at the time of his sentencing in Linn County Circuit Court.
5 The form provided notice that persons convicted of certain sex offenses are required to
6 register for life with the Oregon State Police. The form also advised that if a sex offender
7 moves out of state he or she must contact the Oregon State Police within 10 days of the
8 move.

9 10. On or about November 16, 2005, KNOX pleaded guilty in the Jackson
10 County Circuit Court in Oregon to Failing to Report as a Sex Offender, in violation of
11 Oregon Revised Statute 181.599, and was sentenced to the custody of the Jackson County
12 Jail for a period of eight months.

13 11. On February 16, 2012, KNOX last registered in the State of Oregon by
14 submitting an annual sex offender registration form to the Portland Police Bureau. On
15 that date, KNOX signed the registration form, indicating that he had read and understood
16 the registration requirements outlined on the back side of the form. Those requirements
17 include the requirement to report in person within ten days of any change in residence, to
18 include moving out of state.

19 12. On September 21, 2012, KNOX filled out a Wyoming Sex Offender
20 Registration form upon being released from the Campbell County Jail after a conviction
21 for Interference With a Peace Officer. KNOX signed a form acknowledging he had
22 received a copy of the Wyoming Sex Offender Registration Act. This Act requires sex
23 offenders who move to another state to register with the designated law enforcement
24 agency within the new state no later than three working days upon entering the new state,
25 if required by that state's laws.

26 13. KNOX last registered as a sex offender with the Campbell County Sheriff's
27 Office in Wyoming on September 21, 2012, indicating he was living at P.O. Box 207,
28 Birch Tree, Missouri. On October 11, 2012, the Wyoming Sex Offender Registry Unit

COMPLAINT/KNOX - 4

UNITED STATES ATTORNEY
700 STEWART ST., SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 contacted the Shannon County Sheriff's Office where Birch Tree is located and learned
2 that KNOX was not registered there.

3 14. On February 23, 2015, Sergeant David Chaney of the Camas Police
4 Department contacted KNOX living at 305 S.E. Everett Street, Camas, Washington. On
5 April 20, 2015, Officer Jeff Smith and Sergeant Chaney of the Camas Police Department
6 made contact with KNOX living in a motorhome parked in a Safeway store parking lot in
7 Camas. Sergeant Chaney learned KNOX was a non-compliant sex offender and
8 instructed him to contact the Clark County Sex Offender Registration Unit that day to
9 register. KNOX told Sergeant Chaney that he understood completely and promised he
10 would take care of it immediately.

11 15. On June 7, 2015, Sergeant Chaney had contact again with KNOX in Camas
12 and arrested him for Failure to Register as a Sex Offender after learning he had still not
13 registered in Washington.

14 III. EVIDENCE OF DEFENDANT'S FAILURE TO UPDATE

15 16. Documents provided to me by the Oregon State Police show that KNOX
16 last registered as a sex offender with the Portland Police Bureau on February 16, 2012.
17 KNOX has failed to subsequently report yearly as required in Oregon and has not
18 provided a change of residence.

19 17. Documents provided to me by the Campbell County Sheriff's Office in
20 Wyoming show that KNOX last registered as a sex offender on September 21, 2012,
21 indicating he was living at P.O. Box 207, Birch Tree, Missouri. The Wyoming Sex
22 Offender Registry Unit currently has KNOX listed as non-compliant.

23 18. On November 15, 2012, Deputy United States Marshal H. Cameron Thuirer
24 went to the residence associated with P.O. Box 207, Birch Tree, Missouri and
25 interviewed KNOX's brother, Jack Knox, and sister-in-law, Audrey Knox. They
26 confirmed KNOX had lived with them up until about 1½ years prior to that date, but they
27 were not aware of his current location.

1 19. On April 20, 2015, KNOX told Officer Smith that his last registration was
2 with the Portland Police Bureau.

3 20. On April 20, 2015, I queried KNOX through a National Sex Offender
4 Registry. The only entries returned were the previous registrations in Oregon and
5 Wyoming.


6 21. On May 19, 2015, Katie Driggers of the Clark County Sheriff's Office's
7 Sex Offender Registration Unit confirmed that KNOX is required to register with the
8 State of Washington based on his November 3, 1999 Sex Abuse in the First Degree
9 conviction. Ms. Driggers also confirmed that KNOX has not registered with the Clark
10 County Sheriff's Office or with another county within Washington State.

11 22. On June 8, 2015, KNOX told Sergeant Chaney that he still had not
12 contacted any law enforcement agency to meet his sex offender registration requirements.

13 23. There is no evidence that KNOX was registered as a sex offender anywhere
14 in the United States as of the time he moved to Camas and failed to report to the Clark
15 County Sheriff's Office, which was no later than on or about February 23, 2015, that he
16 notified any jurisdiction of his move to Washington, or that he updated his sex offender
17 registration with the Campbell County Sheriff's Office or the Oregon State Police.

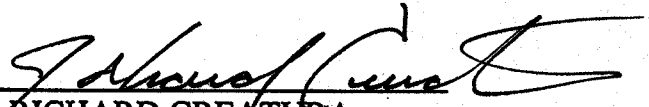
IV. CONCLUSION

24. Based on the foregoing information, I respectfully submit that there is probable cause to believe that ROBERT LEE KNOX did knowingly fail to update his sex offender registration, in violation of Title 18, United States Code, Section 2250.


Leland Rakoz, Complainant
Deputy United States Marshal
United States Marshals Service

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit. The Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

Dated this 27th day of July, 2015.


J. RICHARD CREATURA
United States Magistrate Judge